

**OCT -9 2014**

CLERK, U.S. DISTRICT COURT  
DISTRICT OF MONTANA

WALTER STEWART #016991046  
~~BILLINGS, MONTANA~~

Name and Prisoner/Booking Number

USP - TUCSON

Place of Confinement

P.O. BOX 24550

Mailing Address

TUCSON, AZ 85734

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT**

WALTER MITCHELL STEWART JR.

(Full Name of Plaintiff)

Plaintiff,

vs.

CASE NO. \_\_\_\_\_

(To be supplied by the Clerk)

(1) RICHARD F. CEBULL

(Full Name of Defendant)

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Defendant(s).

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☐ Check if there are additional Defendants and attach page 1-A listing them.

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☒ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: BILLINGS, MONTANA

**B. DEFENDANTS**

1. Name of first Defendant: RICHARD F. CEBULL. The first Defendant is employed as:  
CHIEF JUDGE at U.S. FEDERAL COURTHOUSE, BILLINGS  
(Position and Title) (Institution)
2. Name of second Defendant: \_\_\_\_\_. The second Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_  
(Position and Title) (Institution)
3. Name of third Defendant: \_\_\_\_\_. The third Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_  
(Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_. The fourth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

**D. CAUSE OF ACTION**

**COUNT I**

1. State the constitutional or other federal civil right that was violated: RACIAL DISCRIMINATION AND VIOLATION OF CONSTITUTIONAL RIGHTS

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- ☐ Basic necessities      ☐ Mail      ☒ Access to the court      ☐ Medical care  
☐ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☐ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☒ Other: RELIGIOUS AND RACIAL

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Judge Richard Cebull violated my rights as a native american by being racial towards me and for violating my rights under the constitution of the United States by convicting me for an offense that the tribal court dismissed with prejudice. Judge Cebull stated that he would teach my and other natives asses not to mess with the good ole U.S.of A.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No  
b. Did you submit a request for administrative relief on Count I? ☐ Yes ☐ No  
c. Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☐ No  
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

**COUNT II**

1. State the constitutional or other federal civil right that was violated: Denial of Due Process Rights

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |                                   |   |                                       |
|--|-----------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities   | <input type="checkbox"/> Mail     | <input checked="" type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings  | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion           | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer <input type="checkbox"/> Threat to safety <input type="checkbox"/> Other: _____ |                                   |   |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Mr. Cebull excersized his authority and violated the rights of Mr. Stewart by charging him with a charge that was dismissed with prejudice in tribal court. Tribal Court is considered a reconized court of law by the United states and by the United States District Courts. If Mr. Stewart was convicted in Tribal Court then he would have to serve his time in Federal prison as the Tribal Courts is considered a Federal Court and Federal Jurisdiction. Mr.Cebull never had jurisdiction to try Mr.Stewart once the Tribal Courts dismissed said charges with prejudice.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I was sentenced to Federal prison over this and have loss my property.

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count II? ☐ Yes ☒ No
- Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☒ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. This issue can not be appealed through administrative remedies process.



**E. REQUEST FOR RELIEF**

State the relief you are seeking:

I am seeking the relief of \$250,000.00 Two Hundred and Fifty Thousand  
Dollars, and the immediate release and dismissal of my conviction.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on OCT 2 2014  
DATE

Walter Mitchell Stouffer  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.